

**REMARKS**

This submission is in response to the Official Action dated July 2, 2004. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

## **I. Status of the Claims**

Claim 1 has been canceled without prejudice or disclaimer of the subject matter therein.

Claim 2-7 have been amended.

No new matter is added.

Claims 2-7 are presently pending.

Claims 1 and 3-7 stand rejected.

Claim 2 is objected to.

## **II. Acknowledgement of Allowable Subject Matter**

Applicants thank the Examiner for the acknowledgement of allowable subject matter in claim 2. Claim 2 has been objected to as being dependent upon a rejected base claim.

### **III. 35 U.S.C. § 112 Rejection**

Claims 6 and 7 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Specifically, the Examiner states that it is unclear whether "RPM" in claim 6 refers to the RPM of the prime mover or of another element of the vehicle. Claims 6 has been amended to state that "said threshold value is the momentary RPM of the wheels of the motor vehicle... a preselectable RPM of the prime mover for shifting the transmission into a higher gear," as described on page 23, lines 11-19, of the present Specification. Claim 7 has also been amended to state "said preselectable RPM of the prime mover." Based on the foregoing, Applicants respectfully request that the rejection of claim 6 be withdrawn, and reconsideration is respectfully requested.

**IV. 35 U.S.C. § 102(b) and § 103(a) Rejections**

Claims 1 and 3-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,061,619 to Schmitz et al. ("Schmitz"). Claim 7 is rejected under 35 U.S.C. § 103(a) as unpatentable over Schmitz in view of the Examiner's statement of ordinary skill in the art. Applicants respectfully traverse these rejections, and reconsideration is respectfully requested.

Claim 1 has been canceled without prejudice or disclaimer of the subject matter therein. Hence, the rejection of claim 1 has been rendered moot. Claims 3-6 have been amended to depend on claim 2, which has been amended to be in independent form and which the Examiner has indicated as being allowable. Claim 7 depends on claim 6 and is therefore also patentable for at least the same reasons.

Thus, Applicants respectfully submit that for at least the aforementioned reasons, claims 1 and 3-6 of the present invention are patentable over Schmitz and claim 7 is patentable over Schmitz and the Examiner's statement of ordinary skill in the art. Based on the foregoing, the rejections of claims 1 and 3-7 should be withdrawn, and reconsideration is respectfully requested.

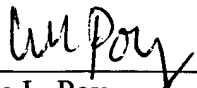
**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: October 27, 2004

Respectfully submitted,

By   
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